

**TOWN BOARD MEETING
WEDNESDAY, DECEMBER 1, 2010; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK**

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Town Attorney Blythe, Police Chief Biasotti, Highway Superintendent Fayo

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor approve the minutes of the Public Hearing on the 2011 Budget and the minutes of the Town Board meeting, both held on November 3, 2010, as per the copies posted on the Town Clerk's bulletin board in the Town Hall and same distributed to each of the Town Board members.

Roll Call: All Ayes

Motion Carried: 5-0

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Motion - Accept Dedication of Roads - Mt. Airy Estates

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor accept the roads known as portion of Independence Drive, Patriots Court, Reveres Run, portion of Liberty Ridge, Colonial Drive, Constitution Way, Settlers Ridge and Pioneer Trail in the Town of New Windsor as public highways and in accordance with such dedication:

- (1) File an Order of the Town Highway Superintendent; and
- (2) Authorize the execution of Town Board Consent with the Engineer's signature; and
- (3) Accept a Deed from Mt. Airy Estates, Inc., (its successors and/or assigns), to the Town of New Windsor, which deed shall be without liens and taxes paid, accepted by the Town Board, and returned to the Attorney's Office for recording in the Orange County Clerk's Office, which deed provides for the conveyance of lands relative to the municipal highways as stated above; and
- (4) Accept a Certificate and Report of Title (Title Insurance) in the amount of \$35,000 naming the Town of New Windsor as party insured, and the related Title Policy; and
- (5) Accept a Maintenance Bond, in the amount of \$224,800.00 as recommended by the Town Engineer. Said maintenance bond to cover only the roads and curbing being accepted for dedication at this time; and
- (6) The Engineer for the Town and Chief Information Technology Officer are directed to add the highways to the Official Town Map; and
- (7) This resolution is subject to a closing to be held at the office of the Town Attorney at which time a Title Insurance Policy shall be tendered and the instruments taken for recording in the Orange County Clerk's Office; and
- (8) Subject to complete electronic "as-builts" submitted in acceptable form to the Chief Information Technology Officer prior to closing.

Roll Call: All Ayes

Motion Carried: 5-0

WATER DEPARTMENT

#3 On Agenda: Receive and File Performance Bond - Route 9W/Moodna Creek Water Main Replacement Project

Hearing no objection, the Town Board of the Town of New Windsor receive and file Performance Bond #S436217 from the Main Street America Group in the amount of \$113,590.00 for Route 9W/Moodna Creek Water Main Replacement Project.

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4 On Agenda: Motion - Support Joint Application - Northeast Orange County Study Group - 2010/2011 Local Government Efficiency Grant Program

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the members of the Northeast Orange County Study Group share a particular interest in water supply and the prospects of constructing a “regional” water treatment facility which would serve the multiple municipalities in the Northeast section of the County and would provide a sustainable return on investment for all involved parties. Such a project would be consistent with the County’s priority concept; and

WHEREAS, the Town of New Windsor is a member of the Northeast Orange County Study Group, and

WHEREAS, the Orange County Water Authority (“Authority”) will be the lead applicant for this grant application; and

WHEREAS, the Authority will be the source of the 10% cash match required in the application regulations by New York State Department of State, and the maximum funding request to the Local Government Efficiency Grant Program for this feasibility study will not exceed \$450,000;

NOW BE IT HEREBY RESOLVED:

1. The Town of New Windsor will participate as co-applicant in the above specified application and the scope of work includes a feasibility study for the above mentioned project;
2. The Town of New Windsor intends to enter into an inter-municipal agreement which will describe the scope of the shared services in detail;
3. The Town of New Windsor Supervisor is designated as the representative authorized to act on behalf of the Town of New Windsor on all matters related to this grant application.

Roll Call: All Ayes

Motion Carried: 5-0

5 On Agenda: Motion - Support Establishment Of Northeast Orange County Municipal Services Incentive

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal corporations to enter into agreements for the performances among themselves on a cooperative or contract basis for the provision of joint service, including, but not limited to, joint water projects and any other municipal service, activity project or undertaking; and

WHEREAS, the County of Orange, the Orange County Water Authority, the City of Newburgh, the Town of Newburgh and the Town of New Windsor (the “Municipalities”) have shared interests, including the provision of a regional water supply; and

WHEREAS, the municipalities recognize and appreciate the need to develop a safe, reliable and adequate water supply to serve the inhabitants of the Northeast Orange County region now and for the foreseeable future; and

WHEREAS, the municipalities are interested in establishing a solid foundation for collaboration to discuss, research and implement shared public infrastructure with an emphasis on water supply and in entering into an inter-municipal agreement through which, upon approval by each and every legislative body of the respective municipalities, would be created a Northeast Orange County Shared Municipal Services Incentive to effectuate and implement the shared goals of the municipalities, including a regional water supply;

NOW THEREFORE BE IT RESOLVED:

1. That the Town Board of the Town of New Windsor, hereby endorses and supports the creation of the Northeast Orange County Shared Municipal Services Incentive consisting of the aforesaid municipalities, through agreement pursuant to Article 5-G of the General Municipal Law or any other general or special powers vested in municipalities, for the purposes of providing a regional water supply, and such other shared infrastructure and other municipal services, activities, projects or undertakings as they shall deem appropriate.

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2. That the representatives from the Town of New Windsor shall meet quarterly with representatives of the other participating municipalities to work cooperatively to develop a draft inter-municipal agreement which will establish the terms, conditions, and framework for a regional water supply and other shared infrastructure and projects that the municipalities may agree upon.

3. That such inter-municipal agreement may include provisions as are authorized by law, including the allocation of revenues and financing capital and operating costs; hiring and compensation of personnel; operation and maintenance of a joint water service; entering into contracts; acquisition, lease, or sale of real property; acceptance of gifts, grants and loans; application for state and federal aid; management of finances; manner of responding to liabilities that may be incurred by a joint service; governance; procedures for periodic review of the terms and conditions of the agreement, including its duration and termination; adjudication of disputes; and such other matters as are reasonably necessary and proper to effectuate and progress the joint service or project.

4. This resolution contemplates the full cooperation of the respective municipalities to regularly meet and work toward an inter-municipal agreement governing a regional water supply.

5. This resolution does not commit any participating municipality to enter into any agreement to create or to endorse or become a member of any regional water authority nor does it commit any financial resources whatsoever to any created authority or to any efforts to establish such authority.

Roll Call: All Ayes

Motion Carried: 5-0

**SANITATION DEPARTMENT
GENERAL**

6 On Agenda: Motion - Authorize Solicitor's Permit - Minutolo

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor's Permit submitted by veteran, Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell hot dogs, hot sandwiches, snacks and drinks in the Town of New Windsor on Section 4, Block 3, Lot 17.6. Permit shall be obtained from the Town Clerk's office; permit fee shall be waived.

7 On Agenda: Motion - Authorize Solicitor's Permit - Markowski

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize a Solicitor's Permit submitted by Anthony Markowski, 201 Caesars Lane, Apt. 8, New Windsor, New York, to sell egg sandwiches, muffins, Danish, bagels, buttered rolls, coffee for breakfast and hamburgers, cheese steak, hot dogs, beverages and chips for lunch in the Town of New Windsor at 361 Walsh Avenue and River Road. Permit shall be obtained from the Town Clerk's office.

Roll Call: All Ayes

Motion Carried: 5-0

8 On Agenda: Motion - Authorize Execution of Separation Agreements

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the Supervisor to execute separation agreements for members of the Town of New Windsor Police Department as follows: Joseph Corbett and Stephen Berean.

Roll Call: All Ayes

Motion Carried: 5-0

9 On Agenda: Motion - Authorize Execution Of Agreement With Blooming Grove Humane Society

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement between the Town of New Windsor and Humane Society of Blooming Grove to provide boarding of dogs and cats secured by the Town of New Windsor Animal Control Officer. Said Agreement is effective from January 1, 2011 to December 31, 2011.

Roll Call: All Ayes

Motion Carried: 5-0

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#10 On Agenda: Motion - Authorize Execution Of Contract Renewal - Partners In Safety

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute 2011 Drug and Alcohol Testing Contract Renewal Agreement with Partners in Safety, 800 Route 17M, Middletown, New York.

Roll Call: All Ayes

Motion Carried: 5-0

#11 On Agenda: Motion - Authorize Execution Of Contract Renewal - Partners In Safety For Dial A Bus

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the Supervisor to execute the 2011 Drug and Alcohol Testing Contract Renewal Agreement for New Windsor - Cornwall Dial-A-Bus-FTA with Partners in Safety, 800 Route 17M, Middletown, New York.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Motion - Appointment To Assessment Board Of Review

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor reappoint Claire Benson, 810 Blooming Grove Turnpike, Unit 52, New Windsor, New York to the Town of New Windsor Assessment Board of Review. Term shall begin immediately and expire September 30, 2015.

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Receive And File PERB Declaration Of Impasse

Hearing no objection, the Town Board of the Town of New Windsor receive and file Declaration of Impasse dated November 1, 2010 from New York State Public Employment Relations Board on behalf of Patrolmen's Benevolent Association of New Windsor to Town of New Windsor.

#14 On Agenda: Receive And File Irrevocable Offer Of Dedication - Rolling Acres Sandcastle LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated September 21, 2010 from Rolling Acres Sandcastle, LLC to Town of New Windsor for a 15' drainage easement within lots nos.: 8, 9 & 12 in the Suburban Court Subdivision, which was recorded in the Orange County Clerk's office on the 29th day of September, 2010 in File #20100093248.

#15 On Agenda: Receive And File Offer Of Dedication - Rolling Acres Sandcastle LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated September 23, 2010 from Rolling Acres Sandcastle, LLC to Town of New Windsor for a 25' drainage easement within lots nos.: 8, 9, 10 & 11 in the Suburban Court Subdivision, which was recorded in the Orange County Clerk's office on the 29th day of September, 2010 in File #20100093250.

#16 On Agenda: Receive And File Offer Of Dedication - Suburban Court

Hearing no objection, the Town Board of the Town of New Windsor receive and file Irrevocable Offer of Dedication dated September 20, 2010 from Bronfman Fisher Real Estate Holdings, LLC to Town of New Windsor for a road commonly known as Suburban Court in the Suburban Court Subdivision located off Route 94 in the Town of New Windsor, which was recorded in the Orange County Clerk's office on the 29th day of September, 2010 in File #20100093249.

#17 On Agenda: Motion - Authorize Execution Of Deed - Verizon Building

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopt the following:

WHEREAS, the Town of New Windsor has an interest in a certain parcel of land located at 270 Breunig Road, New Windsor, New York and known as Section 91, Block 1, Lot 28 on the Town of New Windsor tax maps and commonly referred to as the "Verizon Building"; and

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WHEREAS, the Town Board of the Town of New Windsor has determined the fair market value of the parcel to be \$210,000.00; and

WHEREAS, the Town of New Windsor is agreeable to sell the parcel for its fair market value of \$210,000.00;

NOW THEREFORE, BE IT RESOLVED, that the Town Supervisor is hereby authorized to enter into a contract of sale, convey said parcel and execute a deed and any other necessary documents associated with this transaction to Petrolli Enterprises, Inc.; and

BE IT FURTHER RESOLVED, that the proposed sale has been reviewed by Town Officials; and, it has been established that the land is no longer needed for municipal purposes; and

BE IT FURTHER RESOLVED, that the sale price shall be \$210,000.00 and the sale is subject to permissive referendum, the closing of title to be held in the office of the Town Attorney and the purchaser shall pay any and all expenses associated with this transfer including engineering fees, title insurance, recording and Planning Board fees, if any.

Roll Call: All Ayes *Motion Carried: 5-0*

#18 On Agenda: Motion - Authorize Execution Of MOA For Emergency Evacuation From Stewart Air National Guard Base

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Memorandum of Agreement between the Town of New Windsor and 105th Airlift Wing (105 AW) and New York Air National Guard (NY ANG) for the emergency evacuation of personnel from Stewart Air National Guard Base (SANGB).

Roll Call: All Ayes *Motion Carried: 5-0*

#19 On Agenda: Motion - Authorize Execution Of PILOT Agreement

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following resolution:

WHEREAS, First Columbia, as ground tenant on Town owned property at Stewart Airport has proposed the construction of a new 30,000 square foot office building at 468 Hudson Valley Avenue; and

WHEREAS, First Columbia has requested that the Orange County Industrial Development Agency (“Orange County IDA”) approve a 15 year PILOT Agreement as an incentive to commence construction; and

WHEREAS, the Supervisor and Town Board of the Town of New Windsor have determined that the proposed construction is in the best interest of the Town of New Windsor;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of New Windsor that the project is fully supported by Town of New Windsor; and

BE IT FURTHER RESOLVED, that the Town Board supports the proposed 15 year PILOT and encourages the grant of this PILOT Agreement by the Orange County IDA.

Roll Call: All Ayes *Motion Carried: 5-0*

#20 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Fire Prevention	Month of November 2010
Justice Richard W. Thorpe	Month of November 2010
Justice Noreen Calderin	Month of November 2010
Police Department	Month of November 2010
Recreation Department	Month of November 2010
Tax Receiver Utility Report	Month of November 2010
Town Clerk	Month of November 2010

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#21 On Agenda: Public Forum

Supervisor Green asked if anyone had any comments they would like to make. Cathy Braun thanked the Supervisor for his help in getting their street light repaired by Central Hudson, and said that after only two weeks it had gone out again. The Supervisor said he would call them again. Barney Bedetti thanked the Town Board and Rita Lundstrom for their participation at the veterans' ceremony on Veterans Day. He asked about the 15 year Pilot Agreement and asked why it wasn't for a term of either five or ten years. The Supervisor said that basically he is trying to stimulate some building, especially commercial building, in this economy. He said Pilots are billed annually and the fee does increase every year.

Supervisor Green congratulated Police Chief Biasotti on his European Union Advisory Board appointment.

He reminded everyone that Thursday, December 2 at 5 p.m., the menorah in the front of the building will be lit and that the annual Christmas Tree lighting will take place on Friday, December 10 at 6 p.m. at the Town Hall complex with a special appearance by Egbert and Santa. He said that the first workshop of 2011 will be held on Monday, January 3, with the organizational meeting taking place on Wednesday, January 5 at 7 p.m. A schedule of 2011 meetings is available in the front of the room if anyone wants one.

He thanked the people who attend the town board meetings throughout the year and said the Town Board appreciated their comments. He wished everyone a happy holiday and asked that those less fortunate and those serving in the armed forces be remembered.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum portion of the meeting.

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Forum.

Roll Call: All Ayes

Motion Carried: 5-0

#22 On Agenda: Adjourn

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:33 p.m.

Roll Call: All Ayes

Motion Carried: 5-0

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc